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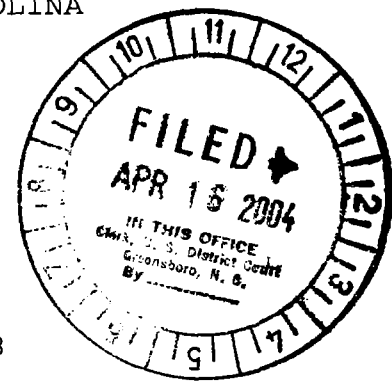
ENTERED ON DOCKET
R. 79 (a)

APR 19 2004

KW

BY:

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



JAMES TALTON, JR.,

Plaintiff,

v.

I.H. CAFFEY DISTRIBUTING
COMPANY, INC., and
CHRISTOPHER CAFFEY,

Defendants.

1:02CV1048

ORDER and JUDGMENT

OSTEEN, District Judge

The court has before it this Standing Order 30 recommendation by the Magistrate Judge that summary judgment for the Plaintiff should be denied and summary judgment for the Defendants should be granted. The Plaintiff timely objected to the recommendation.


The record, including the Plaintiff's objections, has been reviewed by this court, and it is the opinion of this court that the recommendation is in accord with the facts and the prevailing law. The court adopts the recommendation of the Magistrate Judge entered March 11, 2004, as its own findings and conclusions.

IT IS THEREFORE ORDERED that Plaintiff's motion for partial summary judgment [35] should be and is hereby denied.

IT IS FURTHER ORDERED that the Defendants' motion for summary judgment [38] should be and is hereby granted.

IT IS FURTHER ORDERED AND ADJUDGED that this proceeding is hereby dismissed.

This the 16 day of April 2004.


United States District Judge